UNITED STATES PATENT AND TRADEMARK OFFICE

137

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,687	05/01/2001	Lorrence H. Green		2915

7590 06/02/2006

Thomas A. O'Rourke
Bodner & O'Rourke
425 Broadhollow RD
Melville, NY 11747

EXAMINER	
PARKIN, JEFFREY S	

ART UNIT	PAPER NUMBER
1648	

DATE MAILED: 06/02/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

DEA/FCE-1994

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
09/846,687	05/01/2001	Green, L. H.	

EXAMINER	
Jeffrey S. Parkin, Ph.D.	
ART UNIT	PAPER NUMBER
1648	05/26/2006

DATE MAILED:

Please find below a communication from the EXAMINER in charge of this application
Commissioner of Patents

This application contains sequence disclosures (e.g., see page 11, lines 18 and 20-22) that are encompassed by the definitions for nucleotide and/or amino acid sequences set forth in 37 C.F.R. § 1.821(a)(1) and (a)(2). However, this application fails to comply with the requirements of 37 C.F.R. §s 1.821-1.825 for the reason(s) set forth on the attached Notice To Comply With Requirements For Patent Applications Containing Nucleotide Sequence And/Or Amino Acid Sequence Disclosures. Any questions regarding compliance with the sequence rules requirements specifically should be directed to the departments listed at the bottom of the Notice to Comply.

APPLICANT IS GIVEN ONE MONTH FROM THE DATE OF THIS LETTER WITHIN WHICH TO COMPLY WITH THE SEQUENCE RULES, 37 C.F.R. §s 1.821-1.825. Failure to comply with these requirements will result in **ABANDONMENT** of the application under 37 C.F.R. § 1.821(g). Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 C.F.R. § 1.136. In no case may an applicant extend the period for response beyond the six month statutory period. Direct the response to the undersigned. Applicant is requested to return a copy of the attached Notice to Comply with the response.

Any inquiry concerning this communication should be directed to Jeffrey S. Parkin, Ph.D., whose telephone number is (571) 272-0908. The examiner can normally be reached Monday through Thursday from 10:30 AM to 9:00 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, Bruce R. Campell, Ph.D., can be reached at (571) 272-0974. Direct general status inquiries to the Technology Center 1600 receptionist at (571) 272-1600. Informal communications may be submitted to the Examiner's RightFAX account at (571) 273-0908.

Applicants are reminded that the United States Patent and Trademark Office (Office) requires most patent related correspondence to be: a) faxed to the Central FAX number (571-273-8300) (updated as of July 15, 2005), b) hand carried or delivered to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), c) mailed to the mailing address set forth in 37 C.F.R. § 1.1 (e.g., P.O. Box 1450, Alexandria, VA 22313-1450), or d) transmitted to the Office using the Office's Electronic Filing System. This notice replaces all prior Office notices specifying a specific fax number or hand carry address for certain patent related correspondence. For further information refer to the Updated Notice of Centralized Delivery and Facsimile Transmission Policy for Patent Related Correspondence, and Exceptions Thereto, 1292 Off. Gaz. Pat. Office 186 (March 29, 2005).

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Respectfully,

Jeffrey S. Parkin, Ph.D.
Primary Examiner
Art Unit 1648

26 May, 2006

Notice to Comply	Application No. 09/846,687	Applicant(s) Green, L. H.	
	Examiner Jeffrey S. Parkin	Art Unit 1648	Paper No. 05/26/2006

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

Applicant must file the items indicated below within the time period set the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

☒ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).

☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).

☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).

☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."

☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).

☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable from of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

☒ 7. Other: Applicants are reminded that sequences appearing in the specification (e.g., see p. 11, lines 18 and 20-22) must be identified by a sequence identifier (SEQ ID NO.:) in accordance with 37 C.F.R. 1.821(d). Applicant must provide appropriate amendments to the specification inserting the required sequence identifiers. Extensive amendments may necessitate the submission of a substitute specification.

Applicant Must Provide:

☒ An substitute computer readable form (CRF) copy of the "Sequence Listing".

☒ An substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.

☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216 or (703) 308-2923
For CRF Submission Help, call (703) 308-4212 or 308-2923
PatentIn Software Program Support
Technical Assistance.....703-287-0200
To Purchase PatentIn Software.....703-306-2600

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY

known to have CCR5 chemokine receptor molecules in which some amino acids are missing, and others have been replaced. Having mutant CCR5 receptors, does not appear to have a deleterious effect upon the health of those individuals that have the deletion.

The treatment of the present invention entails the inducing of the body to produce an antibody against the region of the CCR5 receptor, in wild type individuals, that is effected by the delta 32 deletion. This is accomplished by using a vaccine consisting of the following polypeptide:

also A'

~~Y-S-Q-Y-Q-F-W-K-N-F-Q-T-LK-I-V-I-L-G-L-V-L-P-L-L-V-M-~~

V-I-C-Y-S-G-I-L-K-T-L-L-R-C-R-N-E-K-K-R (Tyr-Ser-Gln-Tyr-Gln-Phe-Trp-Lys-Asn-Phe-Gln-Thr-Leu-LysIle-Val-Ile-Leu-Gly-Leu-Val-Leu-Pro-Leu-Leu-Val-Met-Val-Ile-Cys-TyrSer-Gly-Ile-Leu-Lys-Thr-Leu-Leu-Arg-Cys-Arg-Asn-Glu-Lys-Lys-Arg).

Derivatives of the polypeptide may include compounds in which any one or more of the amino acids in the invention has been substituted with one of similar charge, acidity, basicity, structure or functional group. For instance in the initial amino acid sequence Tyr-Ser-Tyr-Gln, Serine (Ser) is an amino acid containing a hydroxyl group. Threonine (Thr) is also a hydroxyl group containing amino acid. A derivative of the polypeptide would include Tyr-Thr-Tyr-Gln, in which one hydroxyl containing amino acid is substituted for another. Likewise in the sequence Leu-Leu-Val-Met-Val, Methionine (Met) is a sulfur containing side chain. A derivative of this would include Leu-Leu-Val-Cys-Val, where the sulfur containing